
FEDERAL ENERGY REGULATORY COMMISSION

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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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COMMISSION SETS CRITERIA FOR NOTIFYING LANDOWNERS OF PIPELINE FACILITY CONSTRUCTION

The Federal Energy Regulatory Commission today approved a final rule that requires pipeline companies to notify affected landowners of locations or routes for proposed natural gas facilities.

The rule ensures that affected landowners are informed early and have ample opportunity to participate in the Commission's pipeline certificate process.

The final rule is part of the Commission's review of its regulations to explore ways to make its certificate process more efficient and effective. In comments to the Commission's April 1999 Notice of Proposed Rulemaking (NOPR) and in a public conference held in December 1998, affected landowners expressed a desire for earlier and better notice of a pipeline's intentions to construct and operate facilities on or near their property.

In response, the final rule requires pipelines to notify all affected landowners within three business days of filing or docketing an application with the Commission. Among other things, the final rule clarifies the information to be included in the notice and requires inclusion of a map of the proposed site or route. In addition, the Commission requires the applicant to place notices in local newspapers in areas potentially affected by the project.

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While many of the suggestions in the proposed rule are adopted in the final rule, the Commission agreed with commentors who argued against advance notification for replacement facilities conducted under Section 2.55 of the Commission's regulations. The Commission concluded that companies have the right to access and maintain their facilities within previously-approved rights-of-way. Under these circumstances, however, the Commission asked the companies to give the landowner some advance notification.

Commented Chairman James J. Hoecker: "This rule is a classic example of balancing oft-competing public interests—the stake we all have in a clean, adequate, and reliable supply of energy for regions requiring service and the interest our citizens have in how their property is used or affected in pursuit of the public convenience and necessity."

The final rule will become effective 30 days after publication in the Federal Register.